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Tawney Stephenson Mangus
PO BOX 34
Procious WV 25164

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Office of Proceedings
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Ms. Cynthia T. Brown,

Chief Section of Administration Office of Proceedings Surface
Transportation Board

395 E Street, S.W. Washington, D.C. 20423

Re: Docket No. AB 1314X, The Elk River Railroad, Inc. –
Abandonment Exemption – In Kanawha & Clay Counties, WV

Dear Ms. Brown,

I submit this article published in the Clay Co. Communicator online newspaper by Editor Andy Wadell. It clearly shows the costs of upkeep and maintenance on the rails to trails section already constructed in this area. This is after ONE rain event (and not a major one at that) and pertains to the newly built 10 miles of trail from Ivy Dale to the Dundon. Imagine the cost to the State on 28.75 miles added to the equation. The astronomical upkeep and maintenance costs in this particular area are the very reasons B&O Railroad applied for and was granted abandonment in 1979.

I respectfully ask you to look at these factors when considering railbanking this 28.75 miles for interim trail use.

The development of a trail is often championed by a small, very dedicated group. While planning for the trail's long-term management and maintenance, there are several realities that a volunteer-based organization needs to consider. First and foremost, who will succeed them when these individuals decide to step aside? While the members of the nonprofit friend's organization who promoted the development of the trail will enthusiastically support the management and maintenance effort, that enthusiasm may be difficult to maintain over generations.

Raising funds to perform even minor maintenance tasks can also be a challenge for a nonprofit, volunteer-based organization. There needs to be someone in charge who will organize workdays, act as a point person for emergencies and chase the funding streams.

According to the information provided, the proposed project would not involve work over or the discharge of dredged and/or fill material into the Elk River or aquatic features on-site in conjunction

with the abandonment work within The Elk River Railroad project boundary. The abandonment work would be located above the ordinary high-water mark of the Elk River. As described above, a DA [Department of the Army] permit is not required from this office for this activity. We have determined the proposed project will not result in discharge of dredged and/or fill material into waters of the United States or involve work in, on, over or under a navigable water of the United States. Therefore, a DA permit is not required from this office for the proposed activity. However, if this determination changes and it becomes necessary perform work in, adjacent to or under navigable waters, or to discharge dredged and/or fill material into waters or navigable waters of the United States, including wetlands, DA authorization would be required.

Below I have attached an article appearing in the Clay County communicator which highlights the safety concerns already arising from the installation of a trail system and their inability to maintain the current small portion already completed. Adding 28 more miles in an even less traversable area presents many safety concerns and issues. Pictures were taken the day of their first planned Apple Fest Hike and Ride which exemplifies the safety concerns and issues with management of a trail.

**Thank you for your consideration,
Tawney Stephenson Mangus**

Cc: All Parties of record

The COMMUNICATOR Online

ERTS All Gone

Sept 9 2021

Since the beginning of time, County Clay has needed an "anchor" to hang our tourism hat on. Other are still waiting for climate change to just disappear and coal mining to save our bacon.

Thinking people have said for decades, the Elk River is that anchor draw. It's a good one but nowhere close to the Elk River Trail System State Park. Earlier

this year the Gov was on hand for the big opening of the Park. His remarks were upbeat and the plans to extend the hiking, biking, horseback riding trail up to Gilmer Station, down to Reamer and eventually clear down river to the Farmer's Market in Charleston, what a great tourist attraction and financial base for this County of Little. Gov Justice announced, the Park is now open. Now open for fun for about 16 months, everything has changed. Instead of being our center piece for growth, ERTS should be blocked off as too dangerous for public use. It's really that bad.

We've had some heavy rains this year but the wipe out moment came with the remnants of Hurricane Ida.

We're talking about mud slides, top coat washed away, culverts plugged up or washed out, ditch lines filled over the pathway. Big trees, small trees, clear across ERTS. Several of the large diameter leaning trees should be labeled widow makers.

Instead of a smooth limestone sand top coat, in many places, it's all gone. In other places rain across the path has left 8 inch deep cuts making stroller use, easy biking, impossible.

Even the .9 mile section of ERTS behind the Town, where the new exercise equipment was added, mud slides covered over section of the walkway.

From Ivydale to Pisgah, the best stretch of fun trail, it's gone.

The major problem is, since the State Park service took over our future, there has been no effort to maintain ERTS. It's so bad, the newly hired Park Superintendent, the State won't even announce his name. The announced plans to have a trail side maintenance building and maintenance crew, it's too late.

During a recent Commission meeting, the question came, who do we call to complain or report dangerous conditions on ERTS. There was no answer. Commissioners told the assembled, they did not know who the Superintendent is nor did they have a contact number for ANYBODY to report issues.

In our humble opinion, for ERTS to be usable, it's going to take a complete reditching job, larger diameter culverts properly installed, and new top coat for at least 10 miles of the trail.

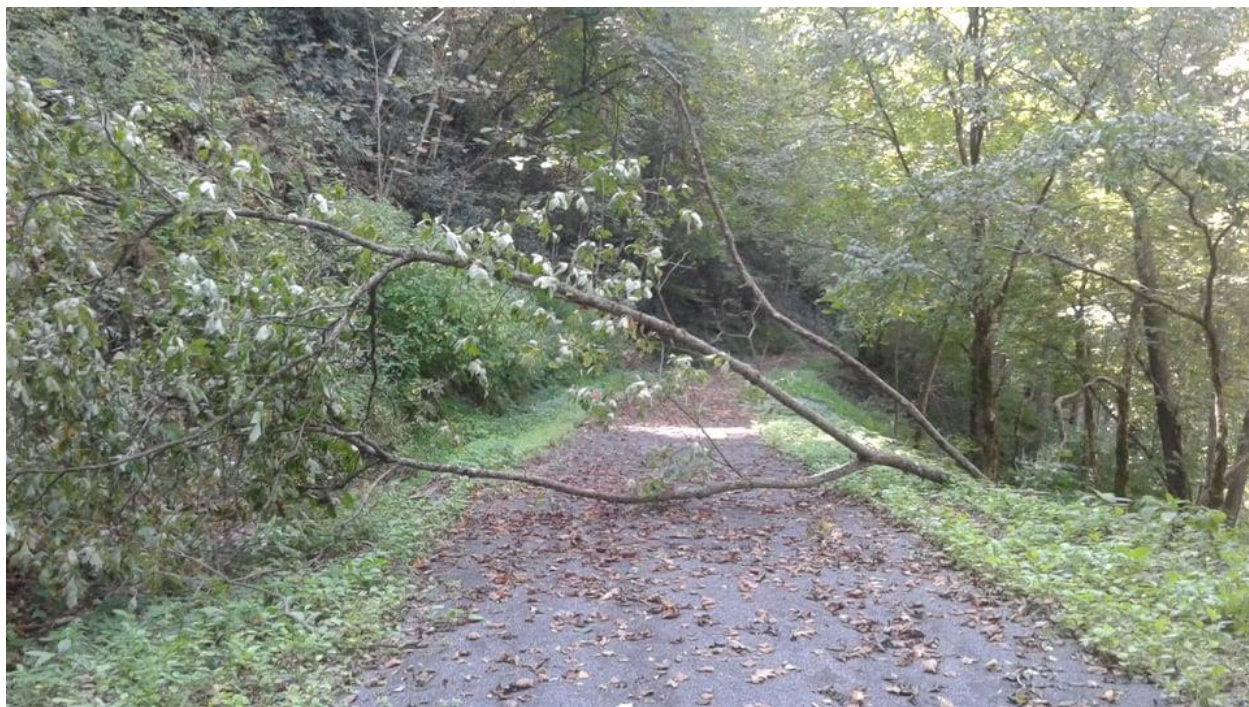
There have been naysayers since trail construction began 2 and 1/2 years ago. Narrow minded Clayonians protested the investment into Clayberry. For decades, old timers have said, you can't do anything with these people. One guy, Norman Wilson, 30 years ago, told the Ace Cub Reporter, Clayberry could F up an anvil. Norman was right as were those other old timers that said

nothing good would ever come to County Clay. We're seeing the same thing happen again.

It's our understanding, on Thursday, some of the dangerous limbs, and full trees, have been tossed to the wayside. That's a good thing.

But, it ain't enough. Every time a rider, hiker or equestrian tries out ERTS and finds the complete and total mess, they tell their buddies, don't go there. Once you lose a new revenue source, a think wallet, they don't come back

As of this date, our bright and rosy economic future has been beat down and probably gone. Thank you state leadership.













ROW. 16 USC § 1247 (d)